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REMARKS

In the Final Office Action of December 22, 2004, Claims 16-29 and 59 were rejected under §103 as being unpatentable over Knapp (U.S. Patent No. 5,300,120) in view of Strandberg (U.S. Patent No. 4,886,064). Applicant timely responded but the examiner declined to enter the proposed amendment because the amendments to claim 16 allegedly raised a new issue in regard to the limitation that the remote data center has an inventory module. The present amendments to claim 16 do not include that limitation.

The core issue developed during the course of prosecution to date concerns the recitation in claims 16 and 59 of inventory control and updating. Primarily, the examiner and applicant are applying different constructions of the term "inventory." The examiner has construed the term to include a mere listing of information, whereas applicant has applied a narrower construction with a meaning of "the quantity of goods or materials on hand." Ignoring what applicant regards as his invention, and the authority of *In re Zletz*, which was cited, the examiner adheres to the broader construction in order to maintain the rejection of the claims.

The examiner further adopts the view that, because the recitation relating to inventory control and updating is not set forth in a means-plus-function format, a narrower construction cannot apply and the scope of the claim limitation is not limited to the specific structure disclosed in the specification and equivalents thereof.

In an effort to move the application along to allowance, applicant has amended claims 16 and 59. Claim 59 already recited in a means-plus-function format the updating of a medical device component inventory. Claim 16 has been amended to recite inventory updating in a means-plus-function format. Moreover, claims 16 and 59 have been amended to specify the invention to be a system for maintaining an inventory account of a quantity on hand of a medical component of an implantable medical device system upon implantation in a patient (claim 16) and a system for remotely controlling an inventory account of a quantity on hand of a medical component of an implantable medical device system upon implantation in a patient (claim 59).

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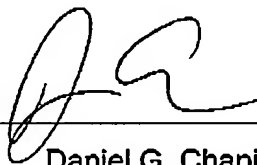
Applicant submits that the amendments to claims 16 and 59 clearly limit the scope of the claims to exclude the alleged "broadest reasonable interpretation" advanced by the examiner.

At page 6 of the office action, the examiner suggests that even under such a narrower scope Knapp teaches to provide careful data accumulation and secure inventory control, citing to column 1, lines 27-29. While Knapp notes the desire for "secure inventory control procedures," nowhere does the system of Knapp provide such capability. More specifically, nowhere does Knapp disclose any structure performing a function of updating an inventory module having an inventory account of a quantity on hand of a medical component of an implantable medical device system based upon data concerning each medical component implanted in the patient.

Finally, the examiner points to the Safe Medical Device Act of 1990 ("the Act") as requiring implant tracking and inventory control. While that may be true, there is no disclosure of the form of inventory tracking. It may well be by handwritten notes or other form of data entry. Thus, regardless of whether the Act suggests inventory control, it remains that no item of prior art cited by the examiner, including Knapp, discloses the subject matter as a whole of claims 16 or 59. Therefore, those claims and the claims dependent from them would not have been obvious to one of ordinary skill in the art.

Respectfully submitted,

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